

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

MARY TROUPE, et al.

PLAINTIFFS

V.

CAUSE NO. 3:10-CV-153-HTW-MTP

GOVERNOR PHIL BRYANT, et al.

DEFENDANTS

ORDER DENYING MOTION TO STRIKE

The Court has before it the Plaintiffs' Motion [**docket 59**] to Strike Defendants' Response in Opposition to Plaintiffs' Objections to the Magistrate Judge's Report and Recommendations [**docket 58**]. Plaintiffs argue that Defendants' Response [**docket no. 61**] to Plaintiffs' partial objections was untimely, having been filed fourteen days after Plaintiffs had submitted their objections. Magistrate Judge Parker on page 11 of his Report and Recommendations [**docket no. 55**], instructed the parties to file objections in accordance with L.U.Civ.R.72 (a)(3). That rule provides that each party has fourteen (14) days to file and serve objections to the Magistrate Judge's Report and Recommendations, and the opposing party's response, if any, must be filed and served within seven (7) days of service of the objection.¹

¹ L.U.Civ.R. Rule 72 (a)(3) states:

Matters Upon Which a Magistrate Judge Is Required to Submit a Report and Recommendations. ... After service of a copy of the magistrate judge's report and recommendations, each party has fourteen days to serve and file written objections to the report and recommendations. A party must file objections with the clerk of the court and serve them upon the other parties and submit them to the assigned judge. Within seven days of service of the objection, the opposing party or parties must either serve and file a response or notify the district judge that they do not intend to respond to the objection.

The Defendants rely on Fed.R.Civ.P. 72(b)² which provides that in cases where the magistrate judge is hearing a dispositive motion, a party may object within fourteen days and a party may respond to another party's objections within fourteen days.

This Court conducted a telephonic hearing on October 13, 2016, at approximately 8:15 a.m., wherein the Court heard arguments from the Plaintiffs and the Defendants regarding this matter, and announced its conclusion and the reasons therefor.

For the reasons stated therein, Plaintiff's "Motion to Strike Defendant's Response in Opposition to the Magistrate Judge's Ruling [**docket no. 59**] is **denied**. As a part of this Order, the Court adopts the content of the ruling as stated to the parties via telephone on October 13, 2016, and as transcribed by the court reporter

SO ORDERED, this the 24th day of October, 2016.

s/HENRY T. WINGATE
UNITED STATES DISTRICT JUDGE

² Fed.R.Civ.P. 72(b) provides in pertinent part:
(b) Dispositive Motions and Prisoner Petitions.

...

(2) Objections. Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. A party may respond to another party's objections within 14 days after being served with a copy...